THE BOMBAY PREVENTION OF FRAGMENTATION AND CONSOLIDATION OF HOLDINGS ACT, 1947.

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BOMBAY ACT No. LXII OF 1947.[1]

[THE BOMBAY PREVENTION OF FRAGMENTATION AND CONSOLIDATION OF HOLDINGS ACT, 1947.]

[*29th January 1948*]

Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 31 of 1951.
,, ,, ,, 69 of 1953.

An Act to provide for the prevention of fragmentation of agricultural holdings and for their consolidation.

WHEREAS it is expedient to prevent the fragmentation of agricultural holdings and to provide for the consolidation of agricultural holdings for the purpose of the better cultivation thereof; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

(*2*) It extends to the whole of the [2][State] of Bombay.

(*3*) It shall come into force in such areas and on such date as the [3][State] Government may by notification in the *Official Gazette* direct.

Definition

2. In this Act, unless there is anything repugnant in the subject or context—

(*1*) "agricultural year" means the year commencing on the first day of April;

(*2*) "consolidation of holdings" means the amalgamation and where necessary the redistribution of holdings or portions of holdings in any village, mahal or taluka or any part thereof so as to reduce the number of plots in holdings;

(*3*) "Consolidation Officer" means an officer appointed as such under section 15 by the [3][State] Government, and includes any person authorized by the [3][State] Government to perform all or any of the functions of the Consolidation Officer under this Act:

[4][(*3A*) "Co-operative Society" means a co-operative society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925;]

Bom. VII of 1925.

(*4*) "fragment" means a plot of land of less extent than the appropriate standard area determined under this Act:

Provided that no plot of land shall be deemed to be a fragment by reason of any diminution in its area by diluvion;

(*5*) "land" means agricultural land whether alienated or unalienated;

(*6*) "local area" means any area notified as such in the *Official Gazette* under section 3;

(*7*) "Mamlatdar" shall include a Mahalkari;

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[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1946, Part V, page 139; for Report of the Select Committee, *see ibid*, 1947, Part V, page 195; for Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1947, Vol. X and Vol. XI; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1947, Vol. XIII.

[2] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

[3] This word was substituted for the word "Provincial", *ibid*.

[4] This clause was inserted by Bom. 69 of 1953, s. 2.

(*8*) "Owner" means in the case of unalienated land the occupant and when such land has been mortgaged, owner means the mortgagor; in the case of alienated land owner means the superior holder;

(*9*) "prescribed" means prescribed by rules made under this Act;

(*10*) "standard area" in respect of any class of land means the area which the [1][State] Government may from time to time determine under section 5 as the minimum area necessary for profitable cultivation in any particular local area, and includes a standard area revised under the said section;

(*11*) words and expressions used in this Act, but not defined have the meaning assigned to them in the Bombay Land Revenue Code, 1879. Bom. V of 1879.

CHAPTER II.

DETERMINATION OF LOCAL AND STANDARD AREAS AND TREATMENT OF FRAGMENTS.

termination of local area.

3. The [1][State] Government may, after such inquiry as it deems fit, by notification in the *Official Gazette*, specify a village, mahal or taluka or any part thereof as a local area for the purposes of this Act.

Settlement of standard areas.

4. (*1*) The [1][State] Government may, after such inquiry as it deems fit and after consultation with the District Advisory Committee appointed by it, provisionally settle for any class of land in any local area the minimum area that can be cultivated profitably as a separate plot.

(*2*) The [1][State] Government shall by notification in the *Official Gazette* and in such other manner as may be prescribed publish the minimum areas provisionally settled by it under sub-section (*1*) and invite objections thereto.

Determination and revision of standard areas.

5. (*1*) The [1][State] Government shall, after considering the objections, if any, received within three months of the date of publication of the notification under sub-section (*2*) of section 4 in the village concerned and making such further inquiry as it may deem fit, determine the standard area for each class of land in such local area.

(*2*) The [1][State] Government may, at any time, if it deems it expedient so to do, revise a standard area determined under sub-section (*1*). Such revision shall be made in the manner laid down in section 4 and sub-section (*1*).

(*3*) The [1][State] Government shall, by notification in the *Official Gazette* and in such other manner as may be prescribed, give public notice of any standard area determined under sub-section (*1*) or revised under sub-section (*2*).

Entry in the Record of Rights.

6. (*1*) On notification of a standard area under sub-section (*3*) of section 5 for a local area all fragments in the local area shall be entered as such in the Record of Rights or where there is no Record of Rights in such village record as the [1][State] Government may prescribe.

(*2*) Notice of every entry made under sub-section (*1*) shall be given in the manner prescribed for the giving of notice under the Bombay Land Revenue Code, 1879, of an entry in the register of mutations. Bom. V of 1879.

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1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Transfer and lease of fragments.

7. (*1*) No person shall transfer any fragment in respect of which a notice has been given under sub-section (*2*) of section 6 [1][except to the owner of] a contiguous survey number or recognised sub-division of a survey number:

[2][Provided that the holder of such fragment may mortgage or transfer it to the State Government or a land mortgage bank or any other co-operative society as security for any loan advanced to him by the State Government or such bank or society, as the case may be.]

Bom. XXIX of 1939.

(*2*) Notwithstanding anything contained in the Bombay Tenancy Act, 1939, no such fragment shall be leased to any person other than a person cultivating any land which is contiguous to the fragment.

Fragmentation prohibited.

8. No land in any local area shall be transferred or partitioned so as to create a fragment.

Sections 7 and 8 not to apply to transfer for public purpose.

[3][**8A.** Nothing in sections 7 and 8 shall apply to a transfer of any land for such public purpose as may be specified in this behalf by the State Government by notification in the *Official Gazette*.]

Penalty for transfer or partition contrary to provisions of Act.

9. (*1*) The transfer or partition of any land contrary to the provisions of this Act shall be void.

(*2*) The owner of any land so transferred or partitioned shall be liable to pay such fine not exceeding Rs. 250 as the Collector may, subject to the general orders of the [4][State] Government, direct. [5][Such fine shall be recoverable as an arrear of land revenue.]

[6][(*3*) Any person unauthorizedly occupying, or wrongfully in possession of, any land, the transfer or partition of which, either by the act of parties or by the operation of law, is void under the provisions of this Act, may be summarily evicted by the Collector.]

Transfer of fragment to [9][Government]

10. (*1*) Any owner of a fragment may transfer it to the [7][State Government] on [8][payment by the State Government] of such compensation to persons possessing interest therein as the Collector may determine and thereupon the fragment shall vest absolutely in the [6][State Government] free from all encumbrances.

Bom. V of 1879.

(*2*) Any such fragment may be disposed of in accordance with the provisions of section 117-B of the Bombay Land Revenue Code, 1879.

V of 1908.

Partition of estate assessed to payment of revenue to [9][Government] or seperation of share thereof.

11. When a decree is transferred to the Collector under section 54 of the Code of Civil Procedure, 1908, for the partition of an undivided estate assessed to the payment of revenue to the [9][Government] in any local area for which standard areas have been fixed, or for the separate possession of a share of such an estate, no such partition or separation shall be made so as to create a fragment.

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[1] These words were substituted for the words "unless thereby the fragment becomes merged in" by Bom. 69 of 1953, s. 3 (*1*).
[2] This proviso was added, *ibid*, s. 3 (*2*).
[3] Section 8A was inserted, *ibid*, s. 4.
[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[5] These words were added, by Bom. 69 of 1953, s. 5(*1*).
[6] This sub-section was added *ibid*, s. 5 (*2*).
[7] These words were substituted for the words "Crown for the purposes of the Province" by the Adaptation of Laws Order, 1950.
[8] These words were substituted for the words "payment by the Crown", *ibid*.
[9] This word was substituted for word "Crown", *ibid*.

Determination of compensation for purpose of section 10.

12. In determining the compensation for the purposes of section 10 the Collector shall have regard to the provisions of sub-section (*1*) of section 23 of the Land Acquisition Act, 1894. I of 1894

Amendment of sections 117A and 117B of Bom. V of 1879.

13. In sections 117A and 117B of the Bombay Land Revenue Code, 1879, the following shall be inserted at the commencement of the said sections, namely :— Bom. V of 1879.

"Subject to the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947,". Bom. LXII of 1947

Fragment not to be sold at Court sale or created by such sale.

[1]**[14.** Notwithstanding anything contained in any law for the time being in force, no fragment, in respect of which a notice has been given under sub-section (*2*) of section 6, shall be sold at any sale held under the orders of any Court except to the owner of a contiguous survey number or recognized sub-division of a survey number and no land shall be sold at such sale so as to leave a fragment.]

CHAPTER III.

PROCEDURE FOR CONSOLIDATION.

Government may of its own accord or on application declare its intention to make schome for consolidation of holdings.

15. With the object of consolidating holdings in any village, mahal or taluka or any part thereof for the purpose of better cultivation of lands therein, the [2][State] Government may declare by a notification in the *Official Gazette* and by publication in the prescribed manner in the village or villages concerned its intention to make a scheme for the consolidation of holdings in such village or villages or part thereof as may be specified. On such publication in the village concerned the [6][State] Government may appoint a Consolidation Officer who shall proceed to prepare in the prescribed manner a scheme for the consolidation of holdings in such village or villages or part thereof, as the case may be.

Scheme to provide for compensation.

16. (*1*) The scheme prepared by the Consolidation Officer shall provide for the payment of compensation to any owner who is allotted a holding of less market value than that of his original holding and for the recovery of compensation from any owner who is allotted a holding of greater market value than that of his original holding.

(*2*) The amount of compensation shall be determined, so far as practicable, in accordance with the provisions of sub-section (*1*) of section 23 of the Land Acquisition Act, 1894. I of 1894.

Amalgamation of public roads, etc., within scheme for consolidation of holdings.

17. (*1*) Whenever in preparing a scheme for the consolidation of holdings, it appears to the Consolidation Officer that it is necessary to amalgamate any road, street, lane or path with any holding in the scheme, he shall make a declaration to that effect stating in such declaration that it is proposed that the rights of the public as well as of all individuals in or over the said road, street, lane or path shall be extinguished or, as the case may be, transferred to a new road, street, lane or path laid out in the scheme of consolidation.

(*2*) The declaration in sub-section (*1*) shall be published in the village concerned in the prescribed manner along with the draft scheme referred to in section 19.

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[1] This section was substituted for the original by Bom. 69 of 1953, s. 6.
[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(*3*) Any member of the public or any person having any interest or right, in addition to the right of public highway, in or over the said road, street, lane or path or having any other interest or right which is likely to be adversely affected by the proposal may, within thirty days after the publication of the declaration under sub section (*1*) state to the Consolidation Officer in writing his objection to the proposal, the nature of such interest or right and the manner in which it is likely to be adversely affected and the amount and the particulars of his claim to compensation for such interest or right :

Provided that no claim for compensation on account of the extinction or diminution of the right of public highway over such road, street, lane or path shall be entertained.

(*4*) The Consolidation Officer shall, after considering the objections, if any, made to the proposal, submit it with such amendments, if any, as he may consider necessary to the Settlement Commissioner, together with the objections received, his recommendations thereon and a statement of the amounts of compensation, if any, which in his opinion are payable, and of the persons by whom and the persons to whom such compensation is payable. The decision of the Settlement Commissioner on the proposal and regarding the amount of compensation and the persons by whom such compensation, if any, is payable, shall, subject to any modification made by the [1][State] Government, be final.

Revocation of assignments of lands.

18. Notwithstanding anything contained in any law for the time being in force, it shall be lawful for the Consolidation Officer to direct that any land specifically assigned for any public purpose shall cease to be so assigned and to assign any other land in its place.

Publication of draft scheme.

19. (*1*) When the draft scheme of consolidation is ready for publication, the Consolidation Officer shall publish it in the prescribed manner in the village or villages concerned. Any person likely to be affected by such scheme, shall, within thirty days of the date of such publication, communicate in writing to the Consolidation Officer any objections relating to the scheme. The Consolidation Officer shall, after considering the objections, if any received, submit the scheme with such amendments as he considers to be necessary, together with his remarks on the objections, to the Settlement Commissioner.

(*2*) The Consolidation Officer shall also publish the scheme as amended by him.

Confirmation of scheme.

20. (*1*) If within thirty days of its publication no objections are received to the draft scheme published under sub section (*1*) or the amended draft scheme published under sub-section (*2*) of section 19, as the case may be, the Settlement Commissioner shall confirm the scheme.

(*2*) If any objections are received to the amended draft scheme published under sub-section (*2*) of section 19, the Settlement Commissioner shall after taking the objections into consideration submit it with such modifications as he considers necessary to the [1][State] Government.

[1] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

(*3*) The [1][State] Government may either confirm the scheme with or without modifications or refuse to confirm it :

Provided that the [1][State] Government shall, if the scheme has been modified by the Settlement Commissioner under sub-section (*2*) publish it as so modified, and take into consideration the objections, if any, received within thirty days of such publication before acting under this sub-section.

Right to possession of new holdings.

21. [2][(*1*) Upon the confirmation of the scheme under sub-section (*1*) or (*3*) of section 20, a notification stating that the scheme has been confirmed shall be published in the *Official Gazette* and the scheme as confirmed shall be published in the prescribed manner in the village or villages concerned. If two-thirds or more of the owners affected by such scheme agree to enter into possesion of the holdings allotted to them thereunder, the Consolidation Officer may allow all the owners to enter into such possession forthwith or from such date as may be specified by him.

(*2*) If two-thirds or more of such owners do not agree to enter into possession under sub-section (*1*), all the owners shall be entitled to possession of the holdings allotted to them under the scheme from the commencement of the agricultural year next following the date of publication of the notification in the *Official Gazette* under sub-section (*1*).

(*2A*) In enforcing the provisions of sub-section (*1*) or (*2*), the Consolidation Officer shall, if necessary, put the owners in possession of the holdings to which they are entitled under the scheme and for doing so may, in the prescribed manner, evict any person from any land.]

(*3*) Notwithstanding anything contained in sub-section (*2*) no owner shall be entitled to possession of any holding allotted to him under the scheme unless he deposits in the prescribed manner within fifteen days of the commencement of the said agricultural year such compensation as is recoverable from him under the scheme.

(*4*) Where an owner fails to comply with the provisions of sub-section (*3*) his rigth in such holding may be allotted in the prescribed manner by the Consolidation Officer to any other person who pays the value of the holding, and in such case the value realised after deducting the expense (hereinafter called the net value) shall be paid to the owner and any other person having an interest in the holding.

[3][(*5*) If no person is forthcoming to pay the value of the holding, the State Government may recover from the owner the compensation recoverable from him under the scheme as an arrear of land revenue or the State Government may itself purchase the holding after paying the net value of the holding to the owner and any other person having interest in the holding.]

Coming into force of scheme.

22. As soon as the persons entitled to possession of holdings under this Act have entered into possession of the holdings respectively allotted to them, the scheme shall be deemed to have come into force.

Certain laws no ban on transfer of holdings.

23. Notwithstanding anything contained in any law for the time being in force, the rights of owners, or other persons having interest, shall for the purpose of giving effect to any scheme of consolidation affecting them be transferable by exchange or otherwise.

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[1] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[2] Sub-sections (*1*), (*2*) and (*2A*)' were substituted for the original sub-sections (*1*) and (*2*) by Bom. 69 of 1953, s. 7 (*1*).

[3] Sub-section (*5*) was added, *ibid*, s. 7 (*2*).

Certificate of transfer.

24. (*1*) The Consolidation Officer shall grant to every owner to whom a holding has been allotted in pursuance of a scheme of consolidation and to every person to whom a right is allotted under sub-section (*4*) of section 21, a certificate in the prescribed form duly registered under the Indian Registration Act, 1908, to the effect that the holding has been transferred to him in pursuance of the scheme.

XVI of 1908.

(*2*) Notwithstanding anything contained in any law for the time being in force no stamp or registration fee shall be payable in respect of such certificate.

Loans to assist consolidation.

25. For carrying out any of the purposes of this Act, a loan may be granted to an owner and recovered from him as a loan under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884.

XIX of 1883. XII of 1884.

CHAPTER IV.

Effect of Consolidation Proceedings and of Consolidation of Holdings.

Exercise by Consolidation Officer of powers under certain Acts.

26. (*1*) During the continuance of the consolidation proceedings the Consolidation Officer shall exercise and discharge the functions of a revenue officer under Chapter IX of the Bombay Land Revenue Code, 1879, the Mamlatdars' Courts Act, 1906, and the Bombay Tenancy Act, 1939; and no revenue officer other than the Consolidation Officer shall take any proceedings under any of the said Acts in respect of any holding or land for the consolidation of which a notification has been issued under section 15.

Bom. V of 1879. Bom. II of 1906. Bom. XXIX of 1939.

(*2*) Where in respect of any holding the Consolidation Officer proceeds to prepare a scheme under section 15—

(*a*) all applications and proceedings including execution proceedings pending before any revenue officer under Chapter IX of the Bombay Land Revenue Code, 1879, the Mamlatdars' Courts Act, 1906, and the Bombay Tenancy Act, 1939, in respect of any holding or land for the consolidation of which a notification has been issued under section 15 shall be transferred to the Consolidation Officer; and

Bom. V of 1879. Bom. II of 1906. Bom. XXIX of 1939.

(*b*) the Consolidation Officer shall, by proclamation, call upon all persons who claim to be entitled to possession under any of the said Acts of any holding for the consolidation of which a notification has been issued under section 15 to make within the prescribed period an application to be put in possession of such holdings; and any person who fails to do so within the prescribed period shall thereafter be debarred from making it:

Provided that nothing in this clause shall debar any person from making, after the coming into force of a scheme of consolidation under section 22, any application in respect of any holding included in the scheme, if such application could lie under the provisions of any law for the time being in force.

(*3*) The Consolidation Officer shall submit any order passed by him under any of the said Acts to the Collector for confirmation if an application in that behalf is made to him by any party to a proceeding under this section within fifteen days from the date of the order.

Stay of [2][certain proceedings]; ban on transfer of land during continuance of consolidation proceedings.

27. When a Consolidation Officer proceeds to prepare a scheme under section 15, during the continuance of the consolidation proceedings—

[1][(*a*) no proceedings,—

(*i*) under section 153 or 155 of the Bombay Land Revenue Code, 1879; Bom. V of 1879.

(*ii*) for execution of any award made under the Bombay Co-operative Societies Act, 1925; Bom. VII of 1925.

(*iii*) for execution of any award made under the Bombay Agricultural Debtors Relief Act, 1947; or Bom. XXVIII of 1947.

(*iv*) for execution of any decree passed by a Civil Court,

in respect of any land in respect of which a notification has been issued under section 15 shall be commenced; and all such proceedings if commenced shall be stayed;]

(*b*) no person shall transfer any land in respect of which a notification under section 15 has been issued.

Rights in holdings.

28. Every owner to whom a holding is allotted in pursuance of a scheme of consolidation shall [3][, save as otherwise provided in section 29A,] have the same rights in such holding as he had in his original holding:

Provided that nothing in this section shall apply to any person to whom a holding has been allotted under the provisions of sub section (*4*) of section 21.

Transfer of encumbrances.

29. (*1*) If the holding of an owner included in a scheme of consolidation which has come into force under section 22 is burdened with a [4]* * * mortgage, debt or other encumbrance [5][other than a lease] such [4]* * * mortgage, debt or other encumbrance shall be transferred therefrom and attach itself to the holding allotted to him under the scheme or to such part of it as the Consolidation Officer may, subject to any rules made under section 37, appoint; and the [6]* * * mortgagee, creditor or other encumbrancer, as the case may be, shall exercise his rights accordingly.

(*2*) If the holding to which a [4]* * * mortgage, debt or other encumbrance is transferred under sub-section (*1*) is of less market value than the original holding from which it is transferred the [6]* * * mortgagee, creditor or other encumbrancer, as the case may be, shall subject to the provisions of section 30 be entitled to the payment of such compensation by the owner of the holding, as the case may require, as the Consolidation Officer may determine.

(*3*) Notwithstanding anything contained in section 21, the Consolidation Officer shall, in the prescribed manner, put any [6]* * * mortgagee or other encumbrancer entitled to possession into possession of the holding to which his [4]* * * mortgage or other encumbrance has been transferred under sub-section (*1*).

Consolidation Officer to decide whether lease should be transferred or not.

[7][**29A.** (*1*) If the holding of an owner included in a scheme of consolidation which has come into force under section 22 is burdened with a lease, the Consolidation Officer shall by an order in writing determine whether such lease shall or shall not be transferred therefrom. A copy of the order passed by the Consolidation Officer under this sub-section shall be affixed to a place near the holding and shall also be published in the prescribed manner.

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[1] This clause was substituted for the original by Bom. 69 of 1953, s. 8 (*1*).

[2] These words were substituted for the words and figures "proceedings under sections 153 and 155 of Bom. V of 1879", *ibid*, s. 8 (*2*).

[3] These words, figures and letter were inserted, *ibid*, s. 9.

[4] The word "lease" was deleted, *ibid*, s. 10 (*1*).

[5] These words were inserted, *ibid*, s. 10 (*2*).

[6] The word "lessee" was deleted, *ibid*, s. 10 (*1*)

[7] Section 29A was inserted, *ibid*, s. 11.

(*2*) If the Consolidation Officer determines that such lease shall be transferred from the original holding it shall attach itself to the holding allotted to the owner under the scheme or such part of it as the Consolidation Officer may, subject to any rules made under section 37, appoint and the lessee shall exercise his rights accordingly. The provisions of sub-sections (*2*) and (*3*) of section 29 shall apply to such lease as if the lease were a mortgage or other incumbrance.

(*3*) If the Consolidation Officer determines that such lease shall not be transferred from the original holding it shall remain attached thereto, and the owner to whom such holding is allotted under the scheme shall hold it subject to such lease ; and the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, shall, so far as may be, notwithstanding the change in the ownership, apply to such lease ; and the rights and liabilities of such owner and the lessee shall be governed by the provisions of the said Act as between the landlord and his tenant :

Bom. LXVII of 1948.

Provided that such owner shall not be entitled to arrears of rent due under such lease immediately before the allotment of the holding as aforesaid.

(*4*) An appeal against the decision of the Consolidation Officer under this section shall lie to the Settlement Commissioner within the prescribed time.]

Apportionment of compensation or net value in case of dispute.

30. Where there is a dispute in respect of the apportionment of—

(*a*) the amount of compensation determined under sub-section (*2*) of section 16 or sub-section (*4*) of section 17 ;

[1][(*b*) the net value realized or payable under sub-section (*4*) or (*5*) of section 21 ;]

(*c*) the total amount of compensation determined under sub-section (*2*) of section 29,

the Consolidation Officer shall refer the dispute to the decision of the District Court and deposit the amount of the compensation or net value, as the case may be, in the Court and thereupon the provisions of sections 33, 53 and 54 of the Land Acquisition Act, 1894, shall, so far as may, apply.

I of 1894.

Alienation and sub-division of consolidated holdings.

31. Notwithstanding anything contained in any law for the time being in force, no person to whom a holding has been allotted under this Act shall—

(*a*) transfer any holding or part thereof except in accordance with such conditions as may be prescribed ;

(*b*) except with the permission in writing of the [2][State] Government, sub-divide such holding.

Power to vary scheme on ground of error, irregularity, informality.

32. (*1*) If after a scheme has come into force it appears to the [2][State] Government that the scheme is defective on account of an error, irregularity or informality the [2][State] Government shall publish a draft of such variation in the prescribed manner. The draft variation shall state every amendment proposed to be made in the scheme.

(*2*) Within one month of the date of publication of the draft variation any person affected ther by may communicate in writing any objection to such variation to the [2][State] Government through the Settlement Commissioner.

(*3*) After receiving the objections under sub-section (*2*) the [2][State] Government may, after making such enquiry as it may think fit, by notification in the *Official Gazette*, make the variation with or without modifications or may not make any variation.

(*4*) From the date of the notification making the variation, the variation shall take effect as if it were incorporated in the scheme.

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[1] This clause was substituted for the original by Bom. 69 of 1953, s. 12.
[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Power to vary or revoke scheme

33. A scheme for the consolidation of holdings confirmed under this Act may at any time be varied or revoked by a subsequent scheme prepared, published and confirmed in accordance with this Act.

CHAPTER V.

GENERAL.

Vesting of powers of Settlement Commissioner.

34. The [1][State] Government may, by notification in the *Official Gazette*, invest the Collector with all or any of the powers of the Settlement Commissioner under this Act.

Power of [1][State] Government to call for proceedings.

35. The [1][State] Government may at any time for the purpose of satisfying itself as to the legality or propriety of any order passed by any officer under this Act call for and examine the record of any case pending before or disposed of by such officer and may pass such order in reference thereto as it thinks fit.

Appeal and revision.

36. Except as provided in this Act, no appeal or revision application shall lie from any order passed under Chapter II, III or IV of this Act.

Rules.

37. (*1*) The [1][State] Government may by notification in the *Official Gazette* make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, the [1][State] Government may make rules, providing for—

(*a*) the manner of publication under sub-section (*2*) of section 4 ;

(*b*) the manner of giving public notice under sub-section (*3*) of section 5 ;

(*c*) village records in which fragments shall be entered under sub-section (*1*) of section 6 ;

(*d*) the manner in which the intention to make a scheme shall be published and the manner of preparation of the scheme under section 15 ;

(*e*) the manner of publication under sub-section (*2*) of section 17 of a declaration made under sub-section (*1*) of the said section ;

(*f*) the manner in which a draft scheme of consolidation shall be published under sub-section (*1*) of section 19 in the village or villages concerned ;

(*g*) the manner of publication of a scheme under sub-section (*1*) of section 21, on its being confirmed ;

(*h*) the manner in which a person may be evicted under sub-section [2][(*2A*)] of section 21 :

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2] These brackets, figure and letter were substituted for the brackets and figure "(*2*)", by Bom. 69 of 1953, s. 13 (*1*).

(*i*) the manner in which compensation recoverable from an owner shall be deposited by him under sub-section (*3*) of section 21 ;

(*j*) the manner in which right of holding may be allotted under sub-section (*4*) of section 21 ;

(*k*) the form in which a certificate shall be granted under section 24 ;

(*l*) the period within which an application shall be made under clause (*b*) of sub-section (*2*) of section 26 ;

(*m*) the guidance of the Consolidation Officer and other officers and persons in respect of the transfer of a [1][* * *] mortgage, debt or other encumbrance under sub-section (*1*) of section 29 ;

(*n*) the conditions in accordance with which holdings may be transferred under clause (*a*) of section 31 ;

(*o*) the manner of publication of a draft variation under sub-section (*1*) of section 32 ;

(*p*) the manner in which the area and assessment (including water-rate, if any) of each reconstituted holding or part of such holding shall be determined ;

(*q*) the manner in which corrections shall be made in the Record of Rights in accordance with a scheme of consolidation ;

(*r*) generally, for the guidance of the Consolidation Officer and other officers and persons in all proceedings under this Act ;

(*s*) any other matter which is to be or may be prescribed.

(*3*) All rules made under this section shall be subject to the condition of previous publication.

[1] The word "lease" was deleted by Bom. 69 of 1953, s. 13 (*2*).